

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP
954-797-1101

SUBJECT: Ordinance LABC 98-3B "Flamingo Center"
Land Use Plan Amendment

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 98-46 WHICH WAS AN ORDINANCE CHANGING THE LAND USE CLASSIFICATION OF LANDS WITHIN THE TOWN FROM "RESIDENTIAL (5 DU/AC)" TO "EMPLOYMENT CENTER, SPECIAL CLASSIFICATION" TO INCLUDE LANGUAGE RESTRICTING FLOOR AREA RATIO, AND RETAIL AND RESTAURANT USE PURSUANT TO A STIPULATED SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DOAH CASE NO. 99-1308GM); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

This ordinance is a revision to Ordinance 98-46, approved by Town Council on November 18, 1998. Ordinance 98-46 changed the land use classification of 22 acres of property located at the southeast quadrant of Flamingo Road and SR 84 from Residential (5 d.u./acre) to Employment Center, Special Classification. Upon review by the Department of Community Affairs and the Department of Transportation, the proposed land use plan amendment was found 'not in compliance,' due to the unacceptable projected level of service of I-595. The Town entered into a Compliance Agreement with the Department of Community Affairs. As part of the compliance agreement, the Town agreed to revise Ordinance 98-46 to place additional restrictions upon the subject site. These limitations are intended to reduce any additional vehicular trips which may be placed upon the regional roadway network due to the change in land use. The language inserted into the Ordinance is as follows:

- a. Development of retail and restaurant uses within the amendment site shall be prohibited unless a satisfactory traffic mitigation plan is submitted to and approved by the Town and the Department addressing any increase in p.m. peak hour, peak direction vehicle trips between the proposed use and the uses available to the amendment site prior to the enactment of this Amendment.
- b. The floor area ratio (building square footage to gross site area within the amendment site shall be no greater than .25.

PREVIOUS ACTIONS: None.

CONCURRENCES: None.

FISCAL IMPACT:

Has request been budgeted? yes no

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Motion to approve.

Attachment(s): Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 98-46 WHICH WAS AN ORDINANCE CHANGING THE LAND USE CLASSIFICATION OF LANDS WITHIN THE TOWN FROM "RESIDENTIAL (5 DU/AC)" TO "EMPLOYMENT CENTER, SPECIAL CLASSIFICATION" TO INCLUDE LANGUAGE RESTRICTING FLOOR AREA RATIO, AND RETAIL AND RESTAURANT USE PURSUANT TO A STIPULATED SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DOAH CASE NO. 99-1308GM); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council on the November 18, 1998, adopted Ordinance 98-46 which changed the land use classification of 22 acres of property located at the southeast quadrant of Flamingo Road and SR 84 from Residential (5 d.u./acre) to Employment Center, Special Classification; and

WHEREAS, the Department of Community affairs found the amendment "not in compliance"; and

WHEREAS, the Town entered into a Stipulated Settlement Agreement with DCA in order that the amendment be found "in compliance"; and

WHEREAS, the Stipulated Settlement Agreement requires that additional conditions be placed upon the development of the amendment site; and

WHEREAS, Section 1 of Ordinance 98-46 is to be revised based on a compliance agreement entered into by the Town and the Department of Community Affairs; and

WHEREAS, the Town of Davie wishes to amend Section 1 of Ordinance 98-46.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That Section 1 of Ordinance 98-46 is hereby amended to include the following language.

The following restrictions shall also apply to the subject site:

- a. Development of retail and restaurant uses within the amendment site shall be prohibited unless a satisfactory traffic mitigation plan is submitted to and approved by the Town and the Department addressing any increase in p.m. peak hour, peak direction vehicle trips between the proposed use and

the uses available to the amendment site prior to the enactment of this Amendment.

b. The floor area ratio (building square footage to gross site area within the amendment site shall be no greater than .25.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2001.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2001.

Mayor/Councilmember

ATTEST:

Town Clerk

APPROVED THIS _____ DAY OF _____, 2001.